IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8341 OF 2004

Tripod Textiles Exports Pvt.Ltd. .. Petitioner.
V/s.
Union of India & Others .. Respondents.

Mr.S.A. Divan i/b. DSK Legal for the petitioner.
Mr.B.A. Desai, Additional Solicitor General with Mr.Rajiv Chavan i/b. S.S. Sarkar for respondent Nos.1 to 3.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 5TH NOVEMBER, 2004.

P.C. :

Heard Mr.S.A. Divan, the learned counsel for the petitioner and Mr.Desai, the learned Additional Solicitor General for the respondents.

2. The writ petition impugns the order dated October 11, 2004 passed by the Superintendent of Central Excise, Range-I, North Daman declining the petitioner's prayer for issuance of procurement certificate.

3. Section 35 of the Central Excise Act, 1944 (for short 'Act of 1944') provides the remedy of appeal to a party aggrieved by the order of the Central Excise Officer lower in rank then the

Commissioner of Central Excise to Commissioner of Central Excise (Appeals). The remedy of appeal provided under the Act of 1944 is adequate and efficient and we find no exceptional circumstances to entertain this writ petition by-passing the statutory remedy of appeal.

4. The writ petition is, accordingly, dismissed in limine.

5. However, that shall not preclude the petitioner from filing the statutory appeal against the impugned order. We observe that if such an appeal is filed by the petitioner, the Appellate Authority shall expeditiously dispose of the same. All contentions raised in the writ petition are kept open to be agitated before the Appellate Authority.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)